

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

WRIT PETITION NO : 6674 of 2004

Between:

The Rajukalva Primary Agricultural Coop., Credit Society Ltd., rep. by  
Chair Person, Y. Gangadhar Rao, S/o. Venkata Subbaiah, aged about  
55 years, Rajukalva, PACS,  
R/o. Chinaravuru, Tenali, Guntur District.

..... PETITIONER

And

- 1 The Govt. of A.P., rep. by its Secretary,  
Coop., Department, Secretariat Buildings, Hyderabad.
- 2 The Registrar of Cooperative Societies,  
Govt., of AP., Hyderabad.
- 3 Valluri Balakoteswara Rao, S/o. Sri ramulu,  
Vuyyuri Varipalem Bethapudi Village and  
Post, Guntur District.
- 4 The Authority Under A.P. Shops and Establishments  
Act 1948/Asst., Commissioner of Labour-I, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that  
in the circumstances stated in the affidavit filed herein the High Court  
may be pleased to declare the action of the 4th respondent as illegal,  
lack of jurisdiction, against the provisions of sec.2(8)(9)(10) of Act 20 of  
1988 and violation of State Policy by issuing a Writ Order or direction  
more particularly one in the nature of Writ of Mandamus.

Counsel for the Petitioner: Mrs. A.MALATHI

Counsel for the Respondent Nos.1,2 & 4: GP FOR COOPERATION

Counsel for the Respondent No.3: Mr. G.V.Shivaji

The Court made the following :

W.P.No.6674 of 2004

ORDER:

The Primary Agricultural Co-operative Society questions the order dated 22-10-2003 passed in S.A.No.2 of 2002 by the Authority under Section 48 of the A.P. Shops and Establishment Act, 1948 (for short 'the Act') & Assistant Commissioner of Labour-I, Guntur.

The 3<sup>rd</sup> respondent herein filed an appeal against the order of the petitioner-Society in terminating his services by a resolution dated 25-08-1997. The appeal has been entertained by the Authority under Section 48 of the Act and passed the impugned order dated 22-10-2003 holding that the termination of the 3<sup>rd</sup> respondent herein is illegal and consequently directed the petitioner-Society to reinstate the 3<sup>rd</sup> respondent into service with back wages from the date of the filing of the application i.e., 27-11-2001 till the date of his reinstatement into service.

As against the said order, an appeal lies to the appellate authority under Section 48 (3) of the Act. There is an effective alternative remedy to the Appellate Authority under Section 48 (3) of the Act and the petitioner-Society by-passing the said statutory appeal, has filed this writ petition.

In view of the said facts and circumstances of the case, I am of the opinion that the writ petition is not maintainable, since an effective

alternative remedy is available to the Society.

In the result, the writ petition is dismissed and the Society is permitted to file an appeal under Section 48 (3) of the Act before the competent appellate authority within a period of two weeks from the date of receipt of a copy of this order after complying the provisions of 48 (3) of the Act. No order as to costs.

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16-09-2004

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To

- 1 The Secretary, Govt. of A.P., Coop., Department, Secretariat Buildings, Hyderabad.
- 2 The Registrar of Cooperative Societies, Govt., of AP., Hyderabad.
- 3 The Authority Under A.P. Shops and Establishments Act 1948/Asst., Commissioner of Labour-I, Guntur.
4. Two CCs to GP for Cooperation, High Court buildings, Hyderabad (OUT)
5. Two CD copies